IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 6TH NOVEMBER 2007 / 15TH KARTHIKA 1929

WP(C).No. 29727 of 2007(L)

PETITIONER:

K.K.HANEEFA, S/O.MOIDEENKUTTY, AGED 35 YEARS, CONVENER, NARIATTUPARA CHERANGOD ROAD, ANAKKAYAM GRAMA PANCHAYATH, MALAPPURAM DISTRICT.

BY ADV. SRI.ABRAHAM MATHEW (VETTOOR)

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT, DISASTER MANAGEMENT (REVENUE - K) DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DEPUTY SECRETARY TO GOVERNMENT, DISASTER MANAGEMENT (REVENUE -K) DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

3. THE DISTRICT COLLECTOR, MALAPPURAM.

4. THE BLOCK DEVELOPMENT OFFICER, MALAPPURAM BLOCK.

BY G.P. SRI.M.R.SABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF PROCEEDINGS ISSUED BY R3 DTD.3.10.2007.

P2: TRUE COPY OF G.O. ISSUED BY R1 DT.6.1.2006.

P3: TRUE COPY OF LETTER ISSUED BY R4 TO THE DISTRICT COLLECTOR DT.15.1.2007.

P4: TRUE COPY OF COMMUNICATION ISSUED BY THE PROJECT DIRECTOR DT.8.1.2007.

P5: TRUE COPY OF G.O. ISSUED BY THE DISASTER MANAGEMENT DEPARTMENT DT.14.8.2007.

TRUE COPY

PA TO JUDGE

ANTONY DOMINIC, J.

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W.P.(C) No.29727 of 2007

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Dated this the 6th day of November, 2007.

JUDGMENT

The prayer sought for in this W.P. is to quash Ext.P5 to the extent it proposes diversion of funds allotted for emergent works already executed under Ext.P2. Petitioner also seeks a direction against respondents 1 to 4 to release the amounts due to the petitioner for the works executed by him.

2. The petitioner submits that for repairing the roads the funds which are available to be distributed to contractors like the petitioner are now diverted. On the other hand, the learned Government Pleader on instruction submits that Rs.50 crores have been allotted by the Government from the Central Fund for meeting emergent repairs of the roads in the State and that out of Rs.50 crores so made available, Rs.2.84 crores have been earmarked for Malappuram District from the Calamity Relief Fund. It is submitted that the Fund which ought to have been distributed to those like petitioner is different from what is now utilised by the Government for emergent repairs of the roads.

3. If as stated by the learned Government Pleader funds are from a different source, the petitioner cannot prevent its utilisation. In any case in

view of the pathetic condition of the roads in the State, this court will not be justified in passing an order as sought for by the petitioner and thus stall the repair works of the public roads in the State. If money is due to the petitioner, that should certainly be paid to him. But that cannot be a reason for stalling the repair works. Therefore, irrespective of the repair works that are now carried out, the respondents shall separately address the issue regarding payment to the petitioner in accordance with the priority and as expeditiously as possible.

W.P. is disposed of as above.

ANTONY DOMINIC
Judge

pms